

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

LA TIDTUS JONES

VS.

CIVIL ACTION NO. 1:13CV511-KS-MTP

RONALD KING, ET AL

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause came on this date to be heard on the Reports and Recommendations of the United States Magistrate Judge Michael T. Parker [100] and [101], both entered herein on September 23, 2014, after referral of hearing by this Court. It should be noted that on October 14, 2014, Plaintiff filed a Motion [103] for extension of time to file a response/reply to Reports and Recommendations [100 and 101] and additionally filed a Motion for Extension of Time [104] requesting the same extensions. On October 28, 2014 this Court by Order [105] granted Plaintiff thirty (30) additional days to file his objections, making same due on or before November 27, 2014. No objections have been filed as to either Report and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Reports and Recommendations should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [100] be, and the same hereby is, adopted as the finding of this Court, and that Defendant's Motion for Summary Judgment [71] is granted in part. Plaintiff's claim of excessive use of physical force by Defendants Dare and Lawson, raises genuine issues of material fact, and thus the undersigned denies summary judgment as to the excessive use of

physical force claim against Defendants Dare and Lawson. The remaining claims against all Defendants in their official capacities are dismissed with prejudice. Additionally, Plaintiff's Motion for Partial Summary Judgment [93] is denied.

Further, this Court finds that the Report and Recommendation [101] should be adopted and that Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [68] and Plaintiff's Motion to Dismiss [92] are denied.

IT IS, THEREFORE, ORDERED that the Reports and Recommendations [100, 101] are hereby adopted as the findings of this Court and Plaintiff's claims of excessive use of physical force against Defendants Dare and Lawson remain. The remaining claims against all Defendants in their official capacities are dismissed with prejudice. Plaintiff's Motion for Partial Summary Judgment [93] is denied. Further, Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [68] and Plaintiff's Motion to Dismiss [92] are denied. Summary Judgment as to all other claims as to all defendants is granted for the reasons stated in the Report and Recommendation based on qualified immunity. The only claim that survives the Motion for Summary Judgment [71] is the claim against Defendants Dare and Lawson for use of excessive force.

SO ORDERED, this the 23rd day of December, 2014.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE